

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRIAN WHITE,)	
)	Civil Action
Plaintiff)	No. 09-cv-4353
)	
vs.)	
)	
JACK BROMMER and)	
BOROUGH OF COLUMBIA,)	
)	
Defendants)	

O R D E R

NOW, this 30th day of September, 2010, upon
consideration of the following documents:

- (1) Motion of Defendants Jack Brommer and Borough of Columbia to Partially Dismiss Plaintiff's Complaint, which motion was filed on November 19, 2009; together with:

Brief in Support of the Motion of Defendants Jack Brommer and Borough of Columbia to Partially Dismiss Plaintiff's Complaint, which brief was filed on November 19, 2009;

- (2) Plaintiff, Brian White's Response in Opposition to Defendants, Sgt. Jack Brommer and Borough of Columbia's Partial Motion to Dismiss the Complaint, which response was filed December 3, 2009; together with:

Plaintiff, Brian White's Brief in Opposition to Defendants, Sgt. Jack Brommer and Borough of Columbia's Partial Motion to Dismiss the Complaint, which brief was filed on December 3, 2009;

- (3) Reply Brief of Defendants in Support of their Motion to Partially Dismiss Plaintiff's Complaint, which brief was filed December 29, 2010;

and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that defendants' motion to partially dismiss plaintiff's Complaint is granted in part and denied in part.

IT IS FURTHER ORDERED that defendants' motion to dismiss Count I of plaintiff's Complaint alleging unconstitutional seizure, Count II alleging malicious prosecution, Count V alleging tortious interference with a contractual relationship, and Count VI alleging defamation, is denied.

IT IS FURTHER ORDERED that the motion of defendant Borough of Columbia to dismiss Count III of plaintiff's Complaint alleging intentional discrimination in regard to plaintiff's right to contract is granted.

IT IS FURTHER ORDERED that Count III against defendant Borough of Columbia is dismissed from plaintiff's Complaint.

IT IS FURTHER ORDERED that plaintiff shall have until October 22, 2010 to file an Amended Complaint to clearly aver the factual and legal basis for a "failure to train" Monell¹ claim against defendant Borough of Columbia in Count III.

IT IS FURTHER ORDERED that the claims in Count III of plaintiff's Complaint against defendant Jack Brommer alleging

¹ See Monell v. Department of Social Services, 436 U.S. 658, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978).

intentional discrimination in regard to plaintiff's right to contract shall remain in plaintiff's Complaint.²

IT IS FURTHER ORDERED that the motion of defendant Jack Brommer to dismiss Count IV of plaintiff's Complaint alleging intentional infliction of emotional distress is granted.

IT IS FURTHER ORDERED that Count IV against only defendant Jack Brommer is dismissed from plaintiff's Complaint.

IT IS FURTHER ORDERED that plaintiff shall have until October 22, 2010 to file an Amended Complaint to clearly aver what physical harm he suffered, if any, because of the alleged outrageous conduct of defendant Jack Brommer.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge

² Since neither defendant filed nor briefed a motion to dismiss the claims in Count III of plaintiff's Complaint against defendant Sergeant Jack Brommer, those claims remain in this lawsuit.